

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 18733/996

In re patent application of

Shui-on LEUNG et al.

Group Art Unit: 1644

Serial No. 09/741,843

Examiner: R. Schwadron

Filed: December 22, 2000


For: IMMUNOCONJUGATES AND HUMANIZED ANTIBODIES SPECIFIC  
FOR B-CELL LYMPHOMA AND LEUKEMIA CELLSDECLARATION UNDER 35 U.S.C. § 1.132

1. The undersigned declares that he, as Chairman of the Board and founder of Immunomedics, Inc., the assignee of the above-identified application, directed the deposit of two expression vectors, hLL2pKh containing the hLL2 light chain variable region, designated as ATCC No. PTA-4747, and hLL2pG1g, containing the hLL2 heavy chain variable region, designated as ATCC No. PTA-4748, at the American Type Culture Collection, 10801 University Blvd. Manassas, VA 20110-2209, a Budapest Treaty recognized depository which affords permanence of the deposit, on October 8, 2002. A copy of the deposit receipt is enclosed for convenience.
2. I state that the deposited expression vectors are the expression vectors which are specifically identified in this application as filed. I further provide that during the pendency of the patent application access to the deposited expression vectors will be allowed to those persons properly designated by the Commissioner of Patents and Trademarks; that the deposited expression vectors will be replaced should the cells containing them die or be destroyed during the enforceable life of any patent issued out of this patent application, for five years after the last request for a sample of the deposited expression vectors or for thirty years, whichever is longer; that upon issuance of a patent, applicants will irrevocably remove all restrictions to access to the expression vectors for the duration of the deposit; and that maintenance charges for the duration of the deposit will be paid.
3. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or

Declaration of Dr. David M. Goldenberg

imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

January 10, 2003  
Date

  
Dr. David M. Goldenberg

**ATCC**

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE****INTERNATIONAL FORM****RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.****To: (Name and Address of Depositor or Attorney)**Immunomedics, Inc.  
Attn: Timothy Qu  
300 American Road  
Morris Plains, NJ 07950

Deposited on Behalf of: Immunomedics, Inc.

**Identification Reference by Depositor:**Plasmid vector: hLL2pKh  
Plasmid vector: hLL2pG1g**Patent Deposit Designation**PTA-4747  
PTA-4748

The deposits were accompanied by:    a scientific description, a proposed taxonomic description indicated above. The deposits were received October 8, 2002 by this International Depository Authority and have been accepted.

**AT YOUR REQUEST: X** We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested October 28, 2002. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: November 6, 2002

cc: Stephen B. Maebius, Esq.  
(Ref: Docket or Case No.: 018733/0996)

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I, Hans J. Hansen, state and declare that:

1. I hold the position of Emeritis Vice President, Research & Development & Intellectual Property at Immunomedics, Inc., Morris Plains, New Jersey, the assignee of the above-identified application and I also am a named inventor of the above-identified application.
2. I confirm that the two expression vectors, hLL2pKh containing the hLL2 light chain variable region, and hLL2pG1g, containing the hLL2 heavy chain variable region, were maintained in the Department of Cellular and Molecular Biology at Immunomedics, Inc., under the direct supervision of Dr. Shui-on Leung, the other named inventor of the above-identified application, and then under the direct supervision of Dr. Timothy Qu, prior to the filing date of the original parent application, U.S. Serial No. 08/289,576 filed on August 12, 1994, until they were deposited by Dr. Qu at the American Type Culture Collection, 10801 University Blvd. Manassas, VA 20110-2209, a Budapest Treaty recognized depository which affords permanence of the deposit, on October 8, 2002 and have been given the ATCC Nos. PTA-4747 for hLL2pKh and PTA-4748 for hLL2pG1g. This laboratory department within Immunomedics, Inc. was ultimately under my supervision, and Drs. Leung and Qu reported to me on the maintenance of these vectors.
3. I confirm that the hLL2pKh and hLL2pG1g that were deposited at the American Type Culture Collection are the same hLL2pKh and hLL2pG1g that are identified as pKh and pG1g, respectively, in the specification of the above-identified application as filed.

Declaration of Dr. Hans. J. Hansen

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

January 7, 2003  
Date

Hans J. Hansen  
Hans J. Hansen, Ph.D.